

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

ADMINISTRATIVE ORDER 96-1

PROCEDURE FOR
INTERDEPARTMENTAL DETERMINATIONS IN
ABUSE PREVENTION PROCEEDINGS

In order to coordinate the response of the Departments of the Trial Court in proceedings under G.L. c. 209A, involving the same parties, the following procedure is hereby established pursuant to the superintendence power of the Chief Justice for Administration and Management under G.L. c. 211B, s. 9.

I. **Definitions.** In this Administrative Order the following words and phrases shall have the following meanings:

- (A) "Order" means an abuse prevention order issued by either the Boston Municipal Court Department, a Division of the District Court Department or a Division of the Superior Court Department pursuant to G.L. c. 209A.
- (B) "Issuing Court" means the Boston Municipal Court Department, a Division of the District Court Department or a Division of the Superior Court Department that has issued an abuse prevention order pursuant to G.L. c. 209A.
- (C) "Modifying Court" means a Division of the Probate and Family Court Department in which a justice of that court has modified, extended or vacated an abuse prevention order issued by the Boston Municipal Court Department, a Division of the District Court Department or a Division of the Superior Court Department, pursuant to G.L. c. 209A.
- (D) "Modified Order" means an order issued by a justice of the Division of the Probate and Family Court Department pursuant to G.L. c. 209A which modifies, extends or vacates an order issued pursuant to the same statute by

a justice of the Boston Municipal Court Department, a Division of the District Court Department or a Division of the Superior Court Department.

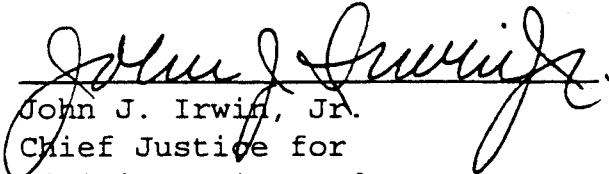
- (E) "Registry" means the Domestic Violence Record Keeping System established pursuant to St. 1992, Chapter 188 and maintained by the Commissioner of Probation.

II. Interdepartmental Judicial Assignment. The justices of the Probate and Family Court Department are hereby assigned to sit in the Boston Municipal Court Department, the District Court Department or the Superior Court Department whenever a party to an order issued by the Boston Municipal Court Department or a Division of the District Court Department or a Division of the Superior Court Department appears before a justice of the Probate and Family Court Department and the justice determines it is appropriate to modify, extend or vacate said order to eliminate any conflict between said order and the terms of decisions issued by the Probate and Family Court Department. No order shall be modified by the Probate and Family Court, pursuant to this Administrative Order, without notice and an opportunity to be heard being given to the parties to the order of the issuing court. A justice of the Probate and Family Court Department who so modifies, extends or vacates an order issued by the Boston Municipal Court Department or a Division of the District Court Department or a Division of the Superior Court Department shall advise the party or parties appearing before said justice of the effects of the modified order and explain that the modified order shall be immediately returned to the issuing Court, subject to further modification, extension or vacating when a party to the order appears before the issuing court or the modifying court in future proceedings. An assignment shall expire immediately following the issuance of a modified order by a justice of the Probate and Family Court.

III. Transmittal of Modified Order. The Probation Department in the modifying court shall cause the modified order to be transmitted by facsimile to the Probation Department of the issuing court promptly to enable the Probation staff of the issuing court to enter the order into the Registry on the day on which the modified order is issued. Upon receipt of the modified order, the Probation Department in the issuing court

shall promptly provide a copy of the modified order to the staff or the Clerk or Clerk-Magistrate of the issuing court, who shall promptly docket and file the modified order. The Register of Probate in the modifying court shall cause the modified order to be mailed to the Clerk or Clerk-Magistrate of the issuing court no later than three days after the modified order is issued.

- IV. **Docketing of Order.** The Clerk or Clerk-Magistrate of the issuing court shall cause the modified order to be docketed in the appropriate case file of the issuing court in a timely manner.
- V. **Entry of Order into Registry.** The Probation Department of the issuing court shall enter the modified order into the Registry on the day that the modified order is issued and follow the requirements of the Standard to Establish and Maintain a Domestic Violence Record Keeping System, Including a Registry of All Civil Vacate, Restraining, Protective and Abuse Prevention Orders established by the Commissioner of Probation with regard to entry of orders into the Registry.


John J. Irwin, Jr.
Chief Justice for
Administration and Management

Date: October 16, 1996